

JURISDICTION:

ALASKA

This chapter summarizes Alaska State statutes and regulations related to speed.

General References:

Alaska Statutes and Alaska Administrative Code (AAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent considering the traffic, roadway and weather conditions. 13 AAC 02.275¹

**Statutory Speed Limit:
See Other below.**

- I. 65 MPH on specific sections of either (2) the Alaska interstate system or (2) outside of urbanized areas with populations $\geq 50,000$. These highway sections are determined via engineering and traffic investigations. 13 AAC 02.280(a) & (b)¹
- II. 25 MPH in a residential area 13 AAC 02.275(b)(3)¹
- III. 20 MPH in a business district 13 AAC 02.275(b)(2)¹
- IV. 15 MPH in an alley 13 AAC 02.275(b)(1)¹

Posted (Maximum) Speed Limit:

- I. Based upon engineering and traffic investigations, the above speed limits, except for the 65 MPH limit, may be altered (increased or decreased).² 13 AAC 02.275(e) & 02.280¹
- II. Maximum safe speed limits may be established for bridges, elevated structures, tunnels and underpasses. 13 AAC 02.325(f)¹

Minimum Speed Limit:

A person, driving at less than the maximum authorized speed of traffic, shall drive as close as practicable to the right-hand curb or edge of the roadway. 13 AAC 02.050(b)

Posted (Minimum) Speed Limit:

Other:

- I. Maximum speed when towing a mobile home is 45 MPH. 13 AAC 02.325(b)¹
- II. Maximum speed in a marked public school or playground is 20 MPH 13 AAC 02.325(d)¹
- III. Maximum speed when passing a school displaying flashing yellow lights is 20 MPH 13 AAC 02.325(e)¹

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

A Violation of the Above Regulations is an Infraction and Is Not Considered a Criminal Offense.¹ §28.40.050(c) & (d)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

N/A §28.40.050(d)

¹This State establishes speed limits via regulations. These regulations have been promulgated via Alaska Statutes §28.05.011. **Comment:** It appears that speed regulations could also have been established via §§19.10.070 and 19.10.072. A violation of these statutory provisions, which would, no doubt, include the regulations promulgated under them, would be a misdemeanor. The sanctions for this misdemeanor are a jail term of not more than 1 year and/or a fine of from \$10 to \$500. §19.45.002

²This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. 13 AAC 02.280(c)

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Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than **\$300** §28.40.050(c)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

A person may be required to participate in a driver improvement course if they accumulate 6 or more points within 12 months or 9 or more points within 24 months. §28.15.253

Other:

A driver, who has accumulated sufficient points to be considered a problem driver, may be required to appear for a driver improvement interview. 13 AAC 08.240

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Licensing Action is via a point system.³

Term of License Withdrawal

(Days, Months, Years, etc.):

Mandatory Minimum Term of

Withdrawal:

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

13 AAC 02.330 via §28.05.011

Sanctions:

Criminal Sanction:

This offense is an Infraction and is not considered to be a Criminal Offense. §28.40.050(c)

Imprisonment (Term):

N/A §28.40.050(d)

Mandatory Minimum Term:

Fine (\$ Range):

Not more than **\$300** §28.40.050(c)

Mandatory Minimum Fine:

None

³**Point System.** I. A person's license is suspended for 1 month if they either (1) accumulate 12 or more points within a 12 month period or (2) accumulate 18 or more points within a 24 month period. The suspension period is 3 months if person accumulates the required points a second time within a subsequent 24 month period. If the person has had two prior point related suspensions within 24 months and subsequently accumulates the required points within the proscribed period of time, driving privileges are revoked for 1 year. §§28.15.221, 28.15.261 and 13 AAC 08.230 II. The following points are assessed for speeding violations: (1) In a school zone or playground crosswalk-6 points; (2) 3 to 9 MPH over the speed limit-2 points; (3) 10 to 19 MPH over the speed limit-4 points; and, (4) 20 or more MPH over the speed limit-6 points. 13 AAC 08.210(11) III. Ten (10) points are assessed either for reckless driving or for speed contest-racing (racing on the highways). 13 AAC 08.210(3) IV. Six (6) points are assessed for negligent driving. 13 AAC 08.230(7) V. Four (4) points are assessed for careless driving (a municipal code offense). 13 AAC 08.210(13) VI. Two (2) points are assessed for all other moving violations. 13 AAC 08.210(21)

Other Criminal Actions Related to Speeding:
(continued)

Racing on the Highway: (continued)

Administrative Licensing Action:
Licensing Authorized and
Type of Action:
Length of Term of
Licensing Withdrawal:
Mandatory Action--Minimum
Length of License
Withdrawal:

Licensing Action is via a point system.³

Other:

Reckless Driving:

Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Based on a Substantial and Unjustifiable Risk of Harm to Persons or Property §28.35.040
Misdemeanor §28.35.040(b)

Not more than **1 year** §28.35.040(b)

None

Not more than **\$1,000** §28.35.040(b)

None

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:

Revocation §28.35.181(a) & (b)

1st offense-Not less than **30 days** 2nd offense (within 10 years)-Not less than **1 year** 3rd or subsequent offense (within 10 years)-Not less than **3 years** §28.15.181(b)

Mandatory Term of License
Withdrawal Action:

1st offense-**None** A limited license for employment may be granted. If this type of driving privilege is allowed, it must remain in effect for at least 60 days. 2nd offense (within 10 years)-Not less than **1 year**⁴ 3rd or subsequent offense (within 10 years)-Not less than **3 years**⁴ §28.15.181(b)

Other:

A driver also accumulates points for this offense.³

Negligent Driving:

Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:

Based on an Unjustifiable Risk of Harm to Persons or Property Where There is an Actual Danger (e.g., Accident) §28.35.045

A violation of this provision is an Infraction which is a non criminal offense. §28.35.050(d)

N/A §28.40.050(d)

Other Criminal Actions Related to Speeding:
(continued)

⁴No limited driving privileges for employment can be granted. §28.15.181(b)

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Negligent Driving: (continued)

Fine (\$ Range):

Not more than **\$300** §28.35.050(c)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Licensing Action is via a point system.³

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" within a 3 year period or (2) commit 3 such violations within a 3 year period. §28.33.140(a)(6) & (c)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §28.33.140(c)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §28.33.140(c)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,000 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §28.40.100(2)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving or negligent driving. §28.33.190(10)(A) & (B)